

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

BRENDA SHANNON,

Plaintiff,

VS.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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1 : 11-CV-177 (WLS)

RECOMMENDATION

Plaintiff, who is proceeding *pro se* in this Social Security appeal, filed her Complaint on December 14, 2011. (Doc. 1). Defendant filed an Answer and the social security transcript on April 9, 2012. (Docs. 9, 10). Plaintiff was required to file her brief in support of her Complaint by May 9, 2012. *See* Middle District of Georgia Local Rule 9.2. On May 15, 2012, the Court ordered Plaintiff to file her brief, and notified her that a failure to respond to the directive could result in a recommendation of dismissal. (Doc. 11). Plaintiff did not respond to this Order. On July 20, 2012, the Court ordered Plaintiff to show cause as why the case should not be dismissed for her failure to file her brief, and directed her to file her brief within twenty-one days. (Doc. 12). As of the date of this Recommendation, Plaintiff has not responded to the Show Cause Order or filed a brief in support of her Complaint.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a case may be dismissed upon a determination of a "clear record of delay or willful contempt and a finding that lesser sanctions would not suffice." *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985). Litigants proceeding *pro se*

are not exempt from this requirement of diligent prosecution. *Moon v. Newsome*, 863 F.2d 835 (11th Cir. 1989). The court's inherent power to dismiss cases in which the plaintiff has failed to diligently prosecute her action "is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts." *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962).

A review of this entire action reveals a clear record of delay or willful contempt on the part of Plaintiff. Plaintiff has failed to comply with two Court orders directing Plaintiff to file a brief in support of her Complaint. Further, Plaintiff has failed to file a response to the Court's Show Cause Order. Plaintiff has also not filed any pleading or other document in this case since the date she filed her Complaint. As Plaintiff has failed to prosecute this case in any manner and has not filed any documents in this case since she filed her Complaint, the undersigned recommends that Plaintiff's Complaint be **DISMISSED without prejudice**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this Recommendation with the Honorable W. Louis Sands, United States District Judge, WITHIN FOURTEEN (14) DAYS after being served with a copy of this Recommendation.

SO RECOMMENDED, this 12th day of September, 2012.

s/ **THOMAS Q. LANGSTAFF**
UNITED STATES MAGISTRATE JUDGE